

REMARKS/ARGUMENTS

Upon entry of the above amendment, claim 17, 23, 26, 29, 30 and 31 will have been amended and claim 32 will have been newly submitted for consideration by the Examiner. Thus, claims 17-20 and 22-32 are pending in the application.

In view of the above, Applicant respectfully requests reconsideration of the outstanding rejections of all the claims pending in the present application. Such action is respectfully requested and is believed to be appropriate and proper.

Initially, Applicant thanks the Examiner for the detailed Advisory Action he provided.

However, Applicant notes that the Examiner inadvertently failed to confirm Applicant's claim for foreign priority and that the certified copy of the priority document had been received. The Examiner is respectfully requested to confirm these matters in the next official communication.

Turning to the merits of the action, the Examiner rejected claims 17-21, 23, 24, 26, and 29-31 under 35 U.S.C §102(e) in the Official Action mailed on June 1, 2005 as being anticipated by MUKAIYAMA et al. (U.S. Patent No. 6,631,407). The Examiner rejected claims 22, 25, 27, and 28 under 35 U.S.C §103(a) as being unpatentable over MUKAIYAMA et al. in view of AMIT et al. (U.S. Patent No. 6,259,538). Applicant respectfully traverses both grounds of rejection.

As noted above, Applicant amends claims 17, 23, 26, 29, 30 and 31, and submits new claim 32 for the Examiner's consideration. Applicant respectfully traverses the above rejections based on pending claims 17-20 and 22-32, and will discuss the rejection with respect to the pending claims in the present application, as will be set forth hereinbelow.

Applicant's invention, as defined by the claims, generally relate to a transmitting apparatus which communicates with a receiving apparatus. According to the present invention, the receiving apparatus exchanges data with a monitor apparatus that monitors a status of the receiving apparatus. The transmitting apparatus comprises a receiver that receives, from the monitoring apparatus, status information of the receiving apparatus, and a memory that stores the status information of the receiving apparatus. The transmitting apparatus further comprises a controller that checks the status information of the receiving apparatus stored in the memory without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, and notifies a user of the transmitting apparatus of the status information of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus.

With respect to the rejection of claims 17-21, 23, 24, 26, and 29-31 under 35 U.S.C. §102(e), Applicant submits that MUKAIYAMA et al. relate to a device management system in which, when printing device 10 detects a change of its own status, printing device 10 transmits, to management server 20, an SNMP trap message indicating that such a status change has occurred. Management

server 20 transmits, to client device 30, a packet notifying the status change. Client device 30 transmits a screen data request to management server 20. Management server 20 retrieves, from MIB database 150, various values corresponding to selected printing device 10 and transmits, to client device 30, the retrieved values.

Applicant submits that MUKAIYAMA et al. fail to disclose (or even suggest) a transmitting apparatus in which a memory is configured to store status information of the receiving apparatus.

In this regard, the Examiner argues in the outstanding Advisory Action that “MUKAIYAMA et al. shows in Fig.1 a client device ‘transmitting device’ communicating with management server ‘monitoring device’ to check the status of the printer ‘receiving device’; therefore, MUKAIYAMA et al. meets the scope limitation of ‘transmitting apparatus in which a memory is configured to store status information of the receiving apparatus’”.

Applicant respectfully traverses the Examiner ‘s assertion, submitting that Applicant submits that MUKAIYAMA et al. do not disclose a transmitting apparatus which checks the status information of the receiving apparatus stored in the memory without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus. Rather, Applicant submits that, in MUKAIYAMA et al., client device 10 access management server 20 to transmit the device-detailed screen request when a user of the client device 30 selects the printing

device 10 in the device list page for monitoring the operation status of the printing device 10 (see, for example, col.5 lines 35-54 and col.9, lines 48-57).

On the other hand, the present invention is directed to a transmitting machine which comprises a memory configured to store status information of the receiving apparatus. The transmitting apparatus checks the status information of the receiving apparatus stored in the memory without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus and notifies, to a user of the transmitting machine, the status information of a receiving machine prior to (e.g., before) transmitting the transmitting data to the receiving machine. As a result, the user of the transmitting machine of the present invention can, for example, avoid transmitting the transmitting data to a receiving machine which can not receive the transmitting data. Applicant submits that MUKAIYAMA et al. do not contain any disclosure about at least this features of the present invention, nor is at least this feature suggested by the applied art. Thus, Applicant submits that the present invention is clearly distinguished over MUKAIYAMA et al.

In the view of the above, Applicant submits that the ground for the 35 U.S.C. §102 rejection no longer exists. Accordingly, the Examiner is respectfully requested to withdraw this ground of rejection.

With respect to the rejection of claims 22, 25, 27, and 28 under 35 U.S.C. §103(a), Applicant submits that AMIT et al. fail to disclose that which is lacking in MUKAIYAMA et al. AMIT et al. is directed to a facsimile gateway that receives

facsimile messages from originating fax machine 22A via conventional PSTN 30, processes the facsimile messages to provide data that is sent to packet-based network 26, and routes the data over the packet-based network 26. The Examiner asserts, in the outstanding Official Action mailed on June 1, 2005, that "AMIT teaches the transmission of IP packets from a transmission party fax to a receiving party fax over a network".

However, Applicant submits that claims 22, 25, 27, and 28 are directed to an Internet facsimile apparatus. Applicant submits that AMIT et al. merely disclose an originating facsimile machine 22A and receiving facsimile machine 22B which communicate over conventional PSTN 24 and 30. Thus, Applicant submits that AMIT et al. merely disclose a conventional facsimile machine, and not an Internet facsimile apparatus, as taught in Applicant's invention.

Further, Applicant submits that AMIT et al. merely disclose a facsimile gateway 20A that is connected to a conventional PSTN 30 and packet-based network 26, and which converts facsimile messages that are received from the conventional PSTN 30 into the data that is sent to packet-based network 26.

Applicant submits that the facsimile gateway 20 of AMIT et al. is not an Internet facsimile apparatus, but merely a gateway which is connected to a facsimile machine via conventional PSTN 24. Thus, Applicant submits that AMIT et al. do not disclose (or suggest) an Internet facsimile apparatus, as taught by Applicant's invention.

Furthermore, Applicant submits that AMIT et al. do not disclose a transmitting apparatus which comprises a memory configured to store the status

information of the receiving apparatus. AMIT et al. also do not disclose a transmitting apparatus which checks the status information of the receiving apparatus stored in the memory when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus. AMIT et al. do not contain any disclosure about the features of the present invention, nor are such features suggested by the applied document. Thus, Applicant submit that AMIT et al. fail to disclose that which is lacking in MUKAIYAMA et al.

Accordingly, Applicant submits that even if one attempted to combine the teaching of MUKAIYAMA et al. with AMIT et al., in the manner suggested by the Examiner, one would fail to arrive at the presently claimed invention, as such a combination would lack, at least, a transmitting apparatus which stores the status information of the receiving apparatus, checking the status information of the receiving apparatus stored in the memory without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, and notifying the user of the transmitting apparatus of the status information of the receiving apparatus prior to (before) a transmission of transmitting data to the receiving apparatus.

Therefore, Applicant submits that the suggested combination of MUKAIYAMA et al. and AMIT et al. does not render the presently claimed invention obvious, and thus, respectfully requests that the 35 U.S.C. §103(a) rejection be withdrawn.

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Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection and an indication of the allowability of all the claims pending in the present application in due course.

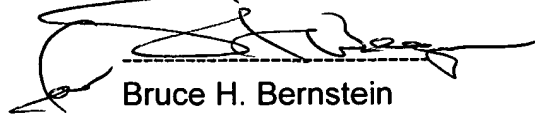
SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant amended some rejected claims and submitted new dependent claim 32 for consideration by the Examiner. With respect to the pending claims, Applicant has pointed out patentable features thereof and has contrasted features of the new claims with the disclosures of the references. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

The amendments to the claims which have been made in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Takefumi WAKABAYASHI

A handwritten signature in black ink, appearing to read 'Bruce H. Bernstein', is written over a horizontal dashed line.

Bruce H. Bernstein
Reg. No. 29,027

Steven Wegman
Reg. No. 31,438

July 27, 2005
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191